

Mr. SPEAKER.—The question is :

“ That the Mysore Prohibition of Smoking in Show Houses and Public Halls Bill, 1952, as amended be passed.”

The motion was adopted.

The Mysore Places of public Resort Bill, 1952.

Motion to consider.

Sri H. SIDDAVEERAPPA (Minister for Home Affairs and Agriculture).—Sir, I move :

“ That the Mysore Places of Public Resort Bill, 1952, be taken into consideration.”

Sir, for the present, there is no law in Mysore for the regulation of places of public resort and entertainment though there have been laws for this purpose in other States. In Mysore, under section 44 of the Police Act, we used to maintain law and order at public places and places of public amusement. Now cities and towns have grown and places of public amusement have increased. So it is all the more necessary to maintain law and order in those places as well as to maintain and make adequate provisions for the safety of the places. This aspect of it came poignantly before the public mind after the disastrous fire at the All-India Industrial and Fine Arts Exhibition held at Cubbon Park last year. There was a tragedy and there was some fire and afterwards Government appointed a committee. The Committee after having carefully gone through the causes for that tragedy have recommended that a Bill of this nature be also introduced in Mysore. It is worthwhile noticing that in Madras also the necessity for such a Bill arose after the outbreak of fire at the People's Park in 1888 and after the attendant loss of lives and property.

The Statement of Objects and Reasons makes it clear why this Bill has been introduced. Government have made adequate provisions in this

Bill for licenses being issued and for proper and adequate arrangements being made both for the maintenance of peace within those precincts as well as for the security from fire and other accidents. Licenses will have to be taken and if anybody wants to arrange for such places of public resort he will have to be amenable to the conditions and terms that may be imposed in the license. The District Magistrate is empowered to revise the orders whenever called upon. Penalties have been provided under clause 12 if there is any breach of the provisions of this Bill. I believe that this is a measure which is absolutely in the interests of the purpose for which this Bill has been introduced. The present Bill is only to supply a measure which was long felt. I do hope that with these few words Hon'ble Members are satisfied and will be pleased to accord their consent to this welcome measure.

Mr. SPEAKER.—Motion moved :

“ That the Mysore Places of Public Resort Bill, 1952, be taken into consideration.”

Janab J. MOHAMED IMAM (Jagalur).—Sir, I welcome this Bill and I may point out that the provisions made in it must be fool-proof and must be such that there will not be any recurrence of an accident like that which happened at the Cubbon Park a year back. The immediate provocation for this Bill, I am sure, is the incident at the Cubbon Park where many merchants suffered huge losses on account of the inflammable nature of the materials used for the construction of stalls. Government permit holding of exhibitions annually and the exhibition authorities invite many merchants to come and exhibit their goods in the exhibition area, and the merchants thinking that they will have good business bring all their merchandise and exhibit them for the benefit of the public. But the protection we give them and the protection they enjoy specially against fire is very meagre.

4 P.M.

The Government have been till now very indifferent towards adopting

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safety measures. They have been allowing such exhibitions within any kind of a structure, without ascertaining themselves whether this structure is fire-proof and is otherwise safe. That is why there was that terrible accident at the Cubbon Park. All the structure was built either of *thatties* or of *leaves* and any sane man could realise the danger of exhibiting valuable goods in that area. But the Government never thought of it and they allowed the exhibition to be held and, unexpectedly, or rather expectedly, there was that disaster. But, even after this, such exhibitions are being held every year, specially in Subhas Nagar. Congress exhibition has been held there every year and I know the Government have not thought of adopting necessary safety measures. What I find in the Congress Exhibition at Subhas Nagar is the same old thatched huts, the same old thatched enclosure. If any accident does not happen, it is because all those exhibitors must be very lucky.

Sri M. PALANIYAPPAN (Ulsoor).—In the recent Subhas Nagar Congress Exhibition they used all non-inflammable materials such as zinc sheets. After the experience of the accident at the Cubbon Park, they have taken all precautions to see that such a thing does not occur.

Janab J. MOHAMED IMAM.—But I saw that they were all inflammable articles. Sir, I wish the Hon'ble Home Minister knows how exhibitions are run in foreign countries.

Sri L. SIDDAPPA (Channagiri).—You vote some grant. (laughter)

Janab J. MOHAMED IMAM.—In England, they have constructed big buildings covering acres and acres of land. Therefore, in the interest of the public we should not allow any kind of inflammatory material in such places. Sir, I deal with my amendment also to save time. It is like this :

“For the existing definition of ‘building’ substitute as follows :—

“building” includes any house of masonry construction or zinc sheets ;”

Here, the definition for building is :

“building” includes any house, hut, shed or roofed enclosure.

This does not help you in any way. In my amendment I have stated that the building must be of masonry construction. No inflammable materials should be used. Otherwise, you know what will happen. The exhibitors or the persons who arrange the exhibition, will approach the District Magistrate and use their influence and the District Magistrate may not withstand their persuasion and he may grant the license. But, there should not be any loophole in this Act. It is necessary that such exhibitions are held in a pucca building or in buildings which are fire-proof. If you define ‘building’ as house, hut or shed, why make provision for constructing a house with inflammable material? So, I suggest the removal of the words ‘hut, shed or roofed enclosure.’ Otherwise, the Bill will not serve its purpose.

So, Sir, I request the Government to make the provision more rigid, so rigid that there will not be any recurrence of such accidents. If this is continued, the same old practice of putting huts, sheds and thatched roofing continues and there will be some more such accidents. With these words I commend the amendment for the consideration of the House.

Mr. SPEAKER.—The question is :

“That the Mysore Places of Public Resort Bill, 1952 be taken into consideration.”

The motion was adopted.

Mr. SPEAKER.—Clouses: Clause 2.

Janab J. MOHAMED IMAM (Jagalur).—Sir, I move :

“In sub-clause (1), for the existing definition of ‘building’ substitute as follows :—

“building” includes any house of masonry construction or of zinc sheets ;”

Sir, I have already given my reason as to why we should not make provision

for the construction of buildings with thatched huts. I think this is a wholesome measure and I hope the Government will accept this.

Mr. SPEAKER.—Amendment moved.—

“That in sub-clause 1, for the existing definition of ‘building’ substitute as follows:—

“building” includes any house of masonry construction or of zinc sheets.”

Sri R. ANANTHARAMAN (Chamarajpet).—Will this extend to marriage pandals also?

Sri H. SIDDAVEERAPPA.—I do not think that a marriage pandal is a place of public resort; by no stretch of imagination we can call it a building of public resort.

Sir, I regret, I am not able to accede to the amendment of the Leader of the Opposition for this reason. There may be cases where even in a hut or shed, although it may contain inflammable materials, some amusement may be allowed, where it may not really cause any outbreak of fire. Such cases are there. That is why the Licensing Authorities will take all these facts into consideration and after they are satisfied, they will issue licenses. For instance, if in a thatched hut or place where there is shed, as you put it, containing inflammable material, any amusement is to be permitted, the Licensing Authority will satisfy itself as to whether it should be allowed or not by looking into the nature of the entertainment or the amusement that is to be provided there, and I am sure that he will use his discretion and will refuse to give license in cases where such refusal is necessary. Therefore, I am afraid, it is not possible, in all such cases where entertainments are held, to demand that they should be held in houses or places built of burnt bricks or zinc sheets. What is required is to see that all possible precautions are taken by the Licensing Authorities to see that there is no room for recurrence of any fire or any untoward accident.

Therefore I hope that with these observations my friend, the Leader of

the Opposition will be satisfied and he will not press his amendment.

Janab J. MOHAMED IMAM.—I press the amendment, Sir.

Mr. SPEAKER.—The question is:

“That for the existing definition of ‘building’, substitute as follows.—

‘Building’ includes any house of masonry construction or of zinc sheets;”

The motion was negatived.

Sri K. PATTABHIRAMAN (Kolar).—Sir, I move;

“That in item (3), for the words ‘the City Magistrate’, substitute the words ‘District Superintendent of Police or the Sub-Divisional Magistrate, as prescribed by Government.’”

Sir, my object in suggesting this amendment is, the City Magistrate is a Judicial officer with judicial powers. This will be giving him certain administrative or quasi-administrative powers. Possibly the City Magistrate himself may also be embarrassed. And further it would not be in accordance with the new ideas that the judiciary must be divested of executive functions. The City Magistrate may have very many opportunities of exercising his judicial powers in regard to cases which might arise out of this particular Bill. In these circumstances, I feel that it would not be right to invest the City Magistrate with executive powers and embarrass him and place him in a position where he must have to exercise certain discretion which might come into conflict with his judicial functions, and therefore I consider it would not be proper to invest him with this power. If really there is any idea that a magistrate alone should have such powers, the Sub-Divisional Officers who are *ex-officio* first class magistrates will do or the D. S. P.'s may be entrusted with these functions.

Mr. SPEAKER.—Amendment moved:

“That in item (3) for the words ‘the City Magistrate’, substitute

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the words "District Superintendent of Police or the Sub-Divisional Magistrate, as prescribed by Government."

Sri H. SIDDAVEERAPPA.—Sir, the object with which the Magistrates are empowered as the licensing authority is only to see that a judicial temper is brought to bear in all their actions. It may as well be Sir, that if a police officer, say for instance the District Superintendent of Police or any other officer is empowered to issue a license, he will also be the man who has to enforce certain terms and conditions of the license. And therefore it is with that object that the Government have thought it fit that the licensing authority should be only a judicial man. And with due respect to my friend, I regret I am unable to agree to his suggestion namely, that it may come in conflict with the working of the magistracy if City Magistrates are empowered to exercise their discretion in such cases. The very object with which he wants that it should go to the executive authority has been served and the City Magistrate is only there to see whether all the terms and conditions that will have to be laid down are fulfilled and it is with that object that we have made this arrangement. Moreover, in the Cities like Bangalore and Mysore, he is the stationary officer and one who is readily available. With that object it has been put in, Sir.

Sri M. LINGANNA (Nanjangud).—Suppose the same City Magistrate is required to go into matters pertaining to the case arising out of such license, then what would that City Magistrate do in such a case?

Sri H. SIDDAVEERAPPA.—What are the kinds of cases that my friend envisages, I am not able to comprehend.

Sri M. LINGANNA.—Suppose a particular party were to take a licence as per the provisions of this Bill and if he contravenes any one of the provisions, the case will be put up by the police and if the same City Magistrate who has issued license to the party were to try

this case, what is the alternative provided in the Bill?

Sri K. PATTABHIRAMAN.—There is the First-class Magistrate and I may say instead of the Sub-Division Officers in the Cities of Bangalore and Mysore, we may make the First-class Magistrates as the licensing authorities. That may be done so far as the Bangalore City and Mysore City are concerned, if there is no objection.

Sri H. SIDDAVEERAPPA.—That may be done, I think.

Mr. SPEAKER.—But that is not the amendment before the House.

Sri H. SIDDAVEERAPPA.—We can even make the District Magistrates the licensing authorities.

Sri K. PATTABHIRAMAN.—But there is another difficulty. You will please see further in clause 5, the District Magistrate is the appellate authority. If you want the District Magistrate to take the place of the City Magistrate, you have to provide for another appellate authority.

Sri H. SIDDAVEERAPPA.—In the light of these, I respectfully submit that the clause as it stands may be adopted, and if there is any difficulty in working, then we will think of some amendment.

Sri K. PATTABHIRAMAN.—I will not press the amendment. I have only pointed out the difficulty and I am satisfied. I will withdraw the amendment.

*The amendment was, by leave,
withdrawn.*

Mr. SPEAKER.—The question is:—
"That Clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill."

Mr. SPEAKER.—Clauses 3 and 4. The question is:

'That Clauses 3 and 4 stand part of the Bill.'

The motion was adopted.

Clauses 3 and 4 were added to the Bill.

Mr. SPEAKER.—Clause 5.

Sri K. PATTABHIRAMAN.—Mr. Speaker, this is a very small matter and this is my amendment :

“That in line 2, after the word ‘inspect’ add the words ‘or cause to be inspected.’”
Section 5 reads as follows :

“Upon the receipt of any such application the Licensing Authority shall inspect the place.”

I have merely suggested “shall inspect or cause to be inspected, just to give him sufficient discretion so that it might not be said later on that he has not exercised his discretion. That is all.

Mr. SPEAKER.—Amendment moved :—

“That in line 2, after the word ‘inspect’ add the words ‘or cause to be inspected.’”

Sri H. SIDDAVEERAPPA.—I have no objection to accept that amendment, Sir.

Sri K. PATTABHIRAMAN.—Thank you.

Mr. SPEAKER.—The question is :—

“That in line 2, after the word ‘inspect’ add the words ‘or cause to be inspected.’”

The motion was adopted.

Mr. SPEAKER.—The question is :

“That Clause 5, as amended, stand part of the Bill.”

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Mr. SPEAKER.—Clauses 6 to 9, both inclusive. The question is :

“That Clauses 6 to 9, both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 6 to 9, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 10.

*Sri K. PATTABHIRAMAN.—Mr. Speaker, here again, it is a very small matter. My amendment is :

“That for the word ‘and’ substitute the word ‘or.’”
Clause 10 reads thus :

“It shall be lawful for any Magistrate or Officer of Police in charge of a station or of higher rank than Head Constable to enter at any time any enclosure or building for which a licence is required under this Act, to inspect the licence if any has been issued, and if there is no licence or if the conditions of the licence are not observed and if he sees reason to apprehend imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.”

Sir, under this section, the position is that before licence could be cancelled and before action could be taken two positions must be satisfied. In view of the conjunction used being ‘and’, it seems that not only the first condition of the licence, but also the other condition that there must be apprehension of imminent danger, should be satisfied. I would rather suggest, suppose a person has violated the very conditions of the licence, that itself must be sufficient reason to withdraw the licence without any other condition and the second condition namely the apprehension of imminent danger restricts the scope for taking action in case of any violation by the party concerned. Therefore I suggest that instead of the word ‘and’ the word ‘or’ may be substituted so that the conjunctive may be converted into the disjunctive. Both these conditions must co-exist before a licence could be withdrawn; that is the position proposed in the Bill. I am suggesting, make each of them different. Therefore, in line 7 for the word ‘and’ before ‘if he sees reason to apprehend imminent danger’, I am suggesting the word ‘or’ may be substituted.

Sri H. SIDDAVEERAPPA.—That is a very welcome amendment Sir. He says that if the conditions of licence

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are not observed, instead of 'and' put in 'or'. I agree Sir. There is no objection.

Mr. SPEAKER.—The question is :

That for the word 'and' substitute the word 'or'

The motion was adopted.

Mr. SPEAKER.—The question is :

"That Clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 11.

Sri K. PATTABHIRAMAN.—I move :

"That in clause 11 for the words 'District Magistrate' substitute the word 'Government'."

My object in moving this amendment is this. The revisionary jurisdiction must always vest in the Government. The District Magistrate has got a special power under section 9. He has the appellate power under section 9 over subordinates, and that he should also come in under section 11 will not only be redundant but the very purpose will be defeated. Therefore, I suggest that instead of the words 'District Magistrate', the word 'Government' may be introduced so that at any time the Government can have revisionary jurisdiction and call for any records.

There is one other aspect which attracted my mind when I made the suggestion. Taking sections 9 and 11 together, it appears as though the District Magistrate, while acting under section 11, might review the order passed under section 9 because the language employed in section 11 is very wide. Therefore, to obviate that difficulty and also to see that the overall power of the Government to exercise revisionary jurisdiction in all cases, might be made supreme, instead of the words 'District Magistrate' the word 'Government' may be introduced, so that we will be giving a second

appeal to a person who is aggrieved under section 9. The matter will be before the Government in its revisionary jurisdiction. I think it is an innocuous amendment and I hope there will be no difficulty in accepting this amendment.

Mr. SPEAKER.—Amendment moved :

"That in clause 11 for the words 'District Magistrate' substitute the word 'Government'."

Sri H. SIDDAVEERAPPA.—I carefully thought over this amendment suggested by my friend. I believe it is better to leave it as it is, to the District Magistrate. The Government are not divested of supervisory and overall powers even over the acts or the orders passed by the District Magistrate. Under section 13 under the rule-making power it will be possible for Government to frame such rules as they deem necessary in the circumstances of the case in order to relieve some of the strain which can possibly be carried by the District Magistrate and if any party feels aggrieved by an order of the District Magistrate it is always open to him to approach the Government

Sri K. PATTABHIRAMAN.—Under what provisions of the law ?

Sri H. SIDDAVEERAPPA.—As I have said, under the rule-making power under section 13, it will be possible.

Mr. SPEAKER.—The Government can make rules for carrying out the purposes of this Act. That is all.

Sri K. PATTABHIRAMAN.—As a matter of fact, the preamble starts like this :

"Whereas it is expedient to provide for the inspection and licensing of places of public resort and entertainment....."

That is the definite object of the legislation. All the provisions are exhaustive. The whole procedure is laid down. Where does the Government come in ? You have accepted my difficulty. Why not accept my solution also ?

Sri H. SIDDAVEERAPPA.—I am not satisfied myself with regard to the amendment suggested by my friend. I am still under the impression and I do believe that under rule 13 under the rule-making power the Government can make provision wherein in a particular case the Government may exercise its overall power. I do believe it may not be altogether beyond the competence of the Government to frame any rule to that effect under section 13. I regret it may not be possible to accept the amendment as suggested by my friend and I hope he will be good enough to withdraw it.

Mr. SPEAKER.—What does the mover of the amendment say?

Sri K. PATTABHIRAMAN.—I am certainly not satisfied. I press the amendment.

Mr. SPEAKER.—The question is:

“That in clause 11 for the words ‘District Magistrate’ substitute the word ‘Government’.”

The motion was negatived.

Mr. SPEAKER.—The question is:

“That Clauses 11, 12 and 13 stand part of the Bill.”

The motion was adopted.

Clauses 11, 12 and 13 were added to the Bill.

Mr. SPEAKER.—Clauses. Clause 1.

Sri K. PATTABHIRAMAN (Kolar).—

Mr. Speaker, the amendment I move reads like this:

“In sub-clause (4) of clause 1, add the following proviso.—

“Provided a ‘Jatra’ shall not mean a place of worship.”

I am suggesting this amendment mainly because I felt a doubt whether the language employed in the clause would really cover the idea because the annual fairs and jattras are sometimes held round about a temple. That is a very common occurrence in our parts. In all jattras the God or Goddess is taken out in procession, cocoanuts

are offered and camphor is often used. Now, all these requirements are generally associated in that place with what we might call a place of worship. In order to remove that doubt I find that jatra should be excluded from the operation of that clause, so that the orbit of this Act may be sufficient even to apply to a case of a jatra. In fact it is in places of jatra that we need such a wholesome measure, as we have before us now, because there, temporary licenses will be granted to what we call ‘touring talkies’ and so on. In order to obviate that difficulty, I wish that the law is made very clear, beyond all doubts and controversy and so that a proviso I suggest, “provided a ‘jatra’ shall not mean a place of worship” may be added. With these words I commend the amendment to the consideration of the Hon’ble Minister.

Mr. SPEAKER.—Amendment moved.—

“That in sub-clause (4) of clause 1 add the following proviso.—

“Provided a ‘jatra’ shall not mean a place of worship”

Sri H. SIDDAVEERAPPA.—I think my friend Sri Pattabhiraman has moved this amendment, if I may say so, by way of abundant caution. I think the idea of the amendment is amply covered by this Act for the simple reason that I construe Jatra as an adjunct and not itself as a place of worship. Worship takes place where there is a deity and then jatra is done. Jatra will be separate from the place of worship. Hence I think my learned friend will be satisfied with this explanation and he will be pleased to withdraw the amendment.

The amendment was, by leave, withdrawn.

Mr. SPEAKER.—The question is:—

“That Clause 1 stand part of the Bill”

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

“That the Title and the Preamble stand part of the Bill.”

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri H. SIDDAVEERAPPA.—Sir, I move :

“That the Mysore Places of Public Resort Bill, 1952 as amended, be passed.”

Mr. SPEAKER.—The question is :

“That the Mysore Places of Public Report Bill, 1952, as amended, be passed.”

The motion was adopted.

Sri M. RAJASEKHARA MURTHY (Yelandur).—I want to make one submission. I request that the Mysore Silk-worm Seed (Control of Distribution) Bill may kindly be taken up to-morrow because many Members are very eager to speak on it.

Mr. SPEAKER.—There are Bills Nos. 2, 3, 4, 5 and 6 to be taken up to-morrow. There may not be enough time for us to finish the agenda.

Sri M. RAJASEKHARA MURTHY.—Or it may be referred to the next session.

Mr. SPEAKER.—Some of them are very important Bills. For example, the Appropriation Bill and the High Court (Amendment) Bill.

Janab J. MOHAMED IMAM (Jagalur).—We suggest that the Silk-worm Seed (Control of Distribution) Bill may be taken up at the next session.

Sri H. SIDDAVEERAPPA (Minister for Home Affairs).—If my friend were to know of the gravity of the situation, he would not make that suggestion.

Sri M. RAJASEKHARA MURTHY.—It is a very important Bill. We have to consult those people whose interests are affected.

Mr. SPEAKER.—In that case we will see. There are still 3 more Bills. After these are over, if time is available, we will take it up.

Sri H. SIDDAVEERAPPA.—I would request the Hon'ble House to accord sanction to this Bill in this session alone.

Mr. SPEAKER.—If there is time it will be taken up to-day; otherwise, to-morrow. Now, the Mysore Agricultural Produce Markets (Amendment) Bill.

The Mysore Agricultural Produce Markets (Amendment) Bill, 1952.

Motion to consider.

Sri H. SIDDAVEERAPPA (Minister for Home Affairs).—Sir, I move :

“That the Mysore Agricultural Produce Markets (Amendment) Bill, 1952 be taken into consideration.”

It is a very small measure. The object of the Bill is to empower the Registrar of Co-operative Societies who is the Chief Marketing Officer to allow amendments to any of the bye-laws to several of the marketing committees in the bye-laws. In the actual working of the several marketing societies in the State, particularly Davangere, Tiptur and other places, it has come to the notice of the Government that in order to allow speedy disposal of the work and also in order to enable the markets to function efficiently the Chief Marketing Officer may be empowered to accord sanction for the change of the bye-laws or any of the changes that may be effected in the bye-laws. Such a power is to be found with the Registrar of Co-operative Societies; he has been empowered to do so. It has been necessary for the efficient discharge of work in the marketing committees that this amendment has to be passed. It is only for a specific purpose that this Bill has been brought forward. I hope the House will accord its approval for this Bill.